IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) CASE NO.
v.)) JUDGE
\$142,900.00 IN U.S. CURRENCY, Defendant.)) COMPLAINT IN FORFEITURE)

NOW COMES plaintiff, the United States of America, by Justin E. Herdman, United States Attorney for the Northern District of Ohio, and Phillip J. Tripi, Assistant United States Attorney, and files this Complaint in Forfeiture, respectfully alleging on information and belief the following:

JURISDICTION AND INTRODUCTION

- 1. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. § 881(a)(6). This Court has *in rem* jurisdiction over the defendant currency pursuant to: (i) 28 U.S.C. § 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. § 1355(b)(1)(B), incorporating 28 U.S.C. § 1395, because the action accrued in this district and the defendant currency is found in this district.
- 2. Venue is proper in this district pursuant to: (i) 28 U.S.C. § 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. § 1395 because the action accrued in this district and the defendant currency is found in this district.

- 3. The defendant \$142,900.00 in U.S. Currency (hereinafter, "the defendant currency") was seized from Glenn Estrada (hereinafter "Estrada") on October 30, 2017. The seizure was made by the Ohio State Highway Patrol (hereinafter "OSHP"). The defendant currency is now in the custody of the federal government.
- 4. Subsequent to the seizure, the Drug Enforcement Administration commenced administrative forfeiture proceedings against the defendant currency. A claim to the defendant currency was submitted in the administrative forfeiture proceeding by Estrada, thereby necessitating the filing of this judicial forfeiture action.
- 5. The defendant currency is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6) in that it constitutes proceeds from illegal drug trafficking activities, and/or was used or was intended to be used to facilitate drug trafficking, in violation of 21 U.S.C. §§ 841(a) and 846.

FORFEITURE

- 6. On October 30, 2017, an OSHP trooper in his patrol car was travelling westbound on the Ohio Turnpike in or near Olmsted Township, Ohio.
- 7. At approximately 12:45 p.m., the trooper observed a person, later identified as Estrada, operating a commercial 2003 Freightliner tractor and trailer (hereinafter "tractor/trailer") in the far right westbound lane.
- 8. Estrada was having difficulty maintaining his lane of travel, and the trooper observed him twice drift over the right shoulder fog line.
- 9. The trooper attempted to conduct a traffic stop by activating his overhead emergency lights but the tractor/trailer continued westbound on the turnpike.

- 10. After a second OSHP cruiser caught up to Estrada's tractor/trailer, the trooper sounded his siren several times and Estrada continued to drive westbound on the turnpike.
- 11. Estrada eventually complied and stopped his tractor/trailer on the right shoulder of the turnpike.
- 12. The trooper approached the tractor trailer at the passenger side of the tractor, after Estrada exited out of the passenger door.
- 13. While the trooper conducted the traffic stop, the second trooper, a certified canine officer, conducted a free air sniff around the tractor/trailer with his trained canine, "Jimmy."
- 14. "Jimmy" made a positive alert on the Freightliner tractor to the presence of a narcotic odor.
- 15. Two OSHP troopers conducted a search of the Freightliner tractor and discovered a blue gym bag located on the top bunk of the sleeper area of the tractor.
- 16. Inside the gym bag and concealed beneath clothing, troopers discovered two large vacuum-sealed bundles containing U.S. currency wrapped in what appeared to be black cellophane tape.
- 17. After being advised of and acknowledging his constitutional rights, Estrada claimed the currency was his and totaled approximately \$30,000.
- 18. The defendant currency was seized by the OSHP and later determined to total \$142,900.00 in U.S. Currency.
- 19. By reason of the foregoing, the defendant currency is subject to forfeiture to the United States pursuant to the statutory authority set forth in paragraph 5 hereof.

WHEREFORE, plaintiff prays that this Court enter judgment condemning the defendant currency and forfeiting it to the United States of America, and providing that the defendant

currency be delivered into the custody of the United States for disposition according to law, and for such other relief as this Court may deem proper.

Respectfully submitted,

JUSTIN E. HERDMAN United States Attorney

By:

Phillip J. Tripi Assistant U.S. Attorney

Reg. No. 0017767

801 West Superior Avenue,

Suite 400

Cleveland, Ohio 44113

Phone: (216)622-3769

Fax: (216)522-7499

Phillip.Tripi@usdoj.gov

VERIFICATION

STATE OF OHIO)	
).	SS
COUNTY OF CUYAHOGA)	

I, Phillip J. Tripi, under penalty of perjury, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and the attorney for the plaintiff in the within entitled action. The foregoing Complaint in Forfeiture is based upon information officially provided to me and, to my knowledge and belief, is true and correct.

Phillip J. Tripi

Assistant U.S. Attorney

Sworn to and subscribed in my presence this 10 day of July, 2018.

BRIDGET C PIASCIK

MY COMMISSION EXPIRES 🗷 🔎

Case: 1:18-cv-01568 Doc #: 1-1 Filed: 07/10/18 1 of 2. PageID #: 6

JS 44 (Rev. 11/15)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

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(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorneys (Firm Name, Address, and Telephone Number) Phillip J. Tripi, Assistant U.S. Attorney 801 West Superior Avenue, Suite 400, Cleveland, OH 44113 (216) 622-3769				County of Residence NOTE: IN LAND COUNTY THE TRACT Attorneys (If Known) Marcus S. Sidoti	(IN U.S. I	ted Defendant PLAINTIFF CASES (ION CASES, USE T NVOLVED.			
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Case: 1:18-cv-01568 Doc #: 1-1 Filed: 07/10/18 2 of 2. PageID #: 7

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

I.	Civil Categories: (Please check one category only).
	1. ✓ General Civil
	2. Administrative Review/Social Security
	3. Habeas Corpus Death Penalty
	*If under Title 28, §2255, name the SENTENCING JUDGE:
	CASE NUMBER:
II.	RELATED OR REFILED CASES. See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Courand assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regardfo the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible fo bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."
	This action is RELATED to another PENDING civil case. This action is REFILED pursuant to LR 3.1.
lf app	plicable, please indicate on page 1 in section VIII, the name of the Judge and case number.
III.	In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.
	ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.
	(1) Resident defendant. If the defendant resides in a county within this district, please set forth the name of such county COUNTY: Cuyahoga Corporation For the purpose of any union the charge and any union the charge and any union the charge are considered.
	Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.
	(2) Non-Resident defendant. If no defendant is a resident of a county in this district, please set forth the count wherein the cause of action arose or the event complained of occurred. COUNTY:
	Other Cases. If no defendant is a resident of this district, or if the defendant is a corporation not having a principl place of business within the district, and the cause of action arose or the event complained of occurred outsid this district, please set forth the county of the plaintiff's residence. COUNTY:
IV.	The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.
	EASTERN DIVISION
	AKRON (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne) CLEVELAND (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
	YOUNGSTOWN (Counties: Columbiana, Mahoning and Trumbull)
	WESTERN DIVISION
	TOLEDO (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

UNITED ST	ATES (OF AMI	ERICA,)	CIVIL	ACTION	NO.
)			
		Plair	ntiff,)	JUDGE		
)			
	V.)			
)			
\$142,900.	00 IN	U.S.	CURRENCY,)		•	
•)			
		Defer	ndant.)	PRAEC	[PE	

Please issue a Warrant of Arrest in Rem to the U.S.

Marshals Service on behalf of the United States Attorney's

Office.

Respectfully submitted,

Justin E. Herdman United States Attorney

By:

Phillip J. Tripi Assistant U.S. Attorney Reg. No. 0017767 400 United States Court House 801 West Superior Avenue Cleveland, Ohio 44113

(216) 622-3769

Fax: (216) 522-7499 Phillip.tripi@usdoj.gov

United States District Court

NORTHERN DISTRICT OF OHIO

WARRANT OF ARREST IN REM TO: THE UNITED STATES MARSHAL AND/OR ANY OTHER DULY AUTHORIZED LAW **ENFORCEMENT OFFICER:** WHEREAS, on __July 10, 2018 Complaint in Forfeiture was filed in this Court by Justin E. Herdman, United States Attorney for this District, on behalf of the United States, against: \$142,900.00 in U.S. Currency CATS Asset ID: 18-DEA-635953 and WHEREAS, the defendant property is currently in the possession, custody or control of the United States; and, WHEREAS, Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions directs the Clerk of the Court to issue a warrant of arrest in rem for the arrest of the defendant property; and. WHEREAS, Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions provides that the warrant of arrest in rem must be delivered to a person or organization authorized to execute it; YOU ARE COMMANDED to arrest the defendant properties by serving a copy of this warrant on the custodian in whose possession, custody or control the property is presently found, and to use whatever means may be appropriate to protect and maintain it in your custody until further order of this Court, YOU ARE FURTHER COMMANDED to file the same in this Court with your return thereon. WITNESS THE HONORABLE UNITED STATES DISTRICT JUDGE AT DATE CLERK (BY) DEPUTY CLERK

U.S. Department of Justice

United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	10.00	COURT CASE NUME	BER
United States of America			
DEFENDANT 5142,900.00 IN U.S. CURRENCY	TYPE OF PROCESS		
		Warrant of Arrest in Rem	
NAME OF INDIVIDUAL, COMPANY, CORPORATION.	ETC. TO SERVE OR DESCR	RIPTION OF PROPERTY TO	O SEIZE OR CONDEM
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AT $igg(\operatorname{ADDRESS} \left(\operatorname{Street} \text{ or RFD. Apartment No., City, State and } \operatorname{Z} \right) $	IP Code)		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADI	DRESS BELOW	Number of process to be	
	***************************************	served with this Form 285	1
Phillip J. Tripi, Assistant United States Attorney	-		
Office of the United States Attorney		Number of parties to be served in this case	1
400 United States Courthouse Cleveland, Ohio 44113			
Cleveland, Onio 44113		Check for service on U.S.A.	
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSI	ST IN EXPEDITING SERVI	CE (Include Business and A	Mternate Addresses,
All Telephone Numbers, and Estimated Times Available for Service):			
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CATS IDs: 18-DEA-635953			
CATS IDs: 18-DEA-635953			
	✓ PLAINTIFF TEL	EPHONE NUMBER	DATE
Signature of Attorney other Originator requesting service on behalf of:	FLAINTIFF		
Signature of Attorney other Originator requesting service on behalf of:	DEFENDANT 210	6-622-3769	7/10/18
Signature of Attorney other Originator requesting service on behalf of: SPACE BELOW FOR USE OF U.S. MARSHAL	DEFENDANT 210 ONLY DO NOT	6-622-3769 WRITE BELOW	7/10/18 THIS LINE
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PRINT 5 COPIES:

- 1. CLERK OF THE COURT
- 2. USMS RECORD
- 3. NOTICE OF SERVICE
- 4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.

 5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285 Rev. 12/15/80 Automated 01/00

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

UNITED STATES	OF AMERICA,)	CIVIL ACTION NO.
	Plaintiff,)	JUDGE
. V.)	
\$142,900.00 IN	U.S. CURRENCY)	
	Defendant.)	NOTICE

Party-in-Interest: Marcus S. Sidoti, Esq.

Counsel for Glenn C. Estrada

50 Public Square

Suite 1900

Cleveland, Ohio 44113

The above-captioned forfeiture action was filed in the U.S. District Court on July 10, 2018. A copy of the complaint is attached. If you claim an interest in any of the defendant currency, the following applies.

Pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, you are required to file with the Court, and serve upon Phillip J. Tripi, plaintiff's attorney, whose address is United States Attorney's Office; United States Court House; 801 West Superior Avenue, Suite 400; Cleveland, Ohio 44113, a verified claim to the defendant currency within thirty-five (35) days after your receipt of the

complaint. Said claim shall contain the information required by Rule G(5) of the said Supplemental Rules. Additionally, you must file and serve an answer to the complaint or a motion under Rule 12 of the Civil Rules of Procedure, within twenty (20) days after the filing of the claim, exclusive of the date of filing. If you fail to do so, judgment by default will be taken for the relief demanded in the complaint.

Very truly yours,

Justin E. Herdman United States Attorney

Date: July 10, 2018 By:

Phillip J. Trípi

Assistant U.S. Attorney

Reg. No. 0017767

400 United States Court House

801 West Superior Avenue

Cleveland, Ohio 44113

(216) 622-3769

Fax: (216) 522-7499

Phillip.tripi@usdoj.gov